



UNITED SOUTH AND EASTERN TRIBES, INC.

Resolution No. USET 2001: 042

ESTABLISHMENT OF SPECIALIZED BUREAUS WITHIN THE U.S. ATTORNEYS' OFFICE FOR CRIMES COMMITTED IN INDIAN COUNTRY

WHEREAS, United South and Eastern Tribes Incorporated (USET) is an intertribal organization comprising twenty-four (24) federally recognized tribes; and

WHEREAS, the actions taken by the USET Board of Directors officially represent the intentions of each member tribe, as the Board of Directors comprises delegates from the member tribes' leadership; and

WHEREAS, Indian Nations possess inherent sovereign authority to maintain a police force in order to (1) maintain order on the reservation; (2) exclude trespassers; (3) enforce tribal criminal laws against Indians; and (4) detain and transport to local, state or federal law enforcement authorities non-Indians who commit offenses on the reservation; and

WHEREAS, pursuant to the Indian Law Enforcement Reform Act, 25 U.S.C. 2801 et seq. the Bureau of Indian Affairs grants special commissions to many tribal police officers so tribes may exercise federal law enforcement authority in addition to their to their inherent reservation; and

WHEREAS, courts have repeatedly recognized the legitimacy of tribal police forces, see, e.g. Duro V. Reina, 495 U.S. 676, 697 (1990); Ortiz-Barraza v United States, 512 F.2d 1176 (9th Cir. 1975); Ryder v state, 98 N.M. 316, 648 P . 2d 774 (1982); State v Schmuck, 121 Wash. 2d 373, 850 P .2d 1332 (1993); State v Haskin, 269 Mont. 202, 887 P .2d 1189 (1994); Oregon v Pamperien, 156 Ore. App. 153, 967 P .2d 503(1998); and

WHEREAS, in spite of their clear legal authority, tribal police are hampered in the effective discharge of their duties by the inconsistent respect and recognition accorded to them by U.S. Attorneys and state and local law enforcement officials; and

WHEREAS, inconsistent recognition of tribal law enforcement authority endangers public safety because federal and local prosecutors may decline to prosecute individuals arrested by tribal police officers, even when those individuals are non-Indians over whom tribal authorities may lack jurisdiction; therefore be it

“Because there is strength in Unity”

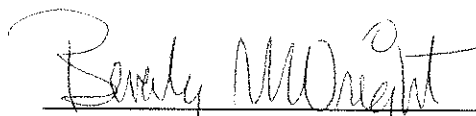
RESOLVED the USET Board of Directors hereby calls upon the U.S. Department of Justice and Interior to strengthen their support for Indian law enforcement, to defend tribal police departments when their authority is challenged by local agencies, and to develop mechanisms to enhance the credibility and effectiveness of tribal law enforcement agencies such as the establishment of specialized bureaus within the U.S. Attorneys' office to handle crimes occurring on Indian reservations.

CERTIFICATION

This resolution was duly passed at the USET Annual Board of Directors Meeting, at which a quorum was present in Arlington VA on Thursday, February 1, 2001.



Keller George, President
United South and Eastern Tribes, Inc.



Beverly Wright, Secretary
United South and Eastern Tribes, Inc.